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Attorneys for Defendant and Counterclaimant, ANIMAL LOGIC ENTERTAINMENT
 LLC, Incorrectly identified in the complaint as Animal Logic Entertainment US.
 Counterclaimants/Third-Party Complainants
 ANIMAL LOGIC LLC, ANIMAL LOGIC
 ENTERTAINMENT PTY LTD
 AND DEFENDANT ZAREH NALBANDIAN

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

JASON LUST, an individual,

Plaintiff,

v.

ANIMAL LOGIC ENTERTAINMENT
 US, d/b/a ANIMAL LOGIC
 ENTERTAINMENT, LLC, a California
 limited liability corporation; ZAREH
 NALBANDIAN, an individual; and DOES
 1 through 20, inclusive,

Defendants.

ANIMAL LOGIC ENTERTAINMENT,
 LLC, a California limited liability
 corporation; ANIMAL LOGIC LLC, a
 California limited liability corporation, and
 ANIMAL LOGIC ENTERTAINMENT
 PTY LTD, an Australian company,

Counterclaimants,

v.

JASON LUST, an individual,

Counterclaim-Defendant.

Related Third-Party Complaint

Case No.: 17-CV-00308-JAK-AFM

Hon. John A. Kronstadt

**DEFENDANTS' DISPUTED JURY
 INSTRUCTIONS**

FPC: January 25, 2021
 Time: 8:30 a.m.
 Place: Courtroom 1B

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1 Pursuant to the Court's Civil Trial Scheduling Order, Rule 51 of the Federal
2 Rules of Civil Procedure, Local Rule 51-1 and this Court's rules, Defendants and
3 Counterclaimants (collectively "Defendants") hereby submit the list special jury
4 instructions proposed by Defendants and objected to by Plaintiff Jason Lust.

5 Dated: January 11, 2021

Respectfully submitted,

6 FOX ROTHSCHILD LLP

7
8 By /s/ John Shaeffer

John Shaeffer

9 Attorneys for Defendant and Counterclaimant
10 ANIMAL LOGIC ENTERTAINMENT, LLC,
11 Counterclaimants/Third-Party Complainants
12 ANIMAL LOGIC LLC, ANIMAL LOGIC
13 ENTERTAINMENT PTY LTD., and
14 Defendant ZAREH NALBANDIAN
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Instruction No. 1 (Special Instruction No. 1):

A copyright owner is entitled to exclude others from copying a work made for hire.

A work made for hire is one that is prepared by an employee and is within the scope of employment.

A work is made for hire within the scope of employment if:

1. it is the kind of work the employee is employed to create;
2. it occurs substantially within the authorized time and space limits; and
3. it is made, at least in part, for the purpose of serving the employer.

The employer is considered to be the author of the work and owns the copyright [unless the employer and employee have agreed otherwise in writing].

A copyright owner of a work made for hire may enforce the right to exclude others in an action for copyright infringement.

Source: Ninth Circuit Model Jury Instructions No. 17.11(COPYRIGHT INTERESTS —WORK MADE FOR HIRE BY EMPLOYEE (17 U.S.C. § 201(b)).

1 **Instruction No. 2 (Special Instruction No. 2):**

2 A work for hire contract need not use the talismanic words such as “specially
3 ordered or commissioned” because there is no requirement that work-for-hire
4 contracts include any specific wording.

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6 **Source:** *Warren v. Fox Family Worldwide, Inc.*, 328 F.3d 1136, 1141 (9th Cir. 2003).
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